BILL: **S2017 – SB11**

TITLE: **Constitutional Reform**

SPONSOR: **Karina Toy, President**

DATE: **April 9, 2017**

Whereas several clauses in the SGA Constitution have not been practiced for many years,

Whereas it is essential that the SGA Constitution accurately lay out the guidelines for how SGA operates,

Whereas the SGA Constitution has not been updated in over two years,

Whereas clarity of language and practice is important,

Therefore, pending student body approval, let the SGA Constitution read as the following…

I. PURPOSE

In an effort to broaden student discussion and representation on all issues, the students of Middlebury College have assembled this Student Government Association (SGA). This Student Government Association shall represent the student voice in every capacity.

II. STRUCTURE

The SGA shall be composed of the Student Senate and the Presidential Cabinet.

A. Function of the Student Senate and Presidential Cabinet:

Senate: To propose and pass all SGA legislation; to decide on issues relevant to the interests of the student body; to determine all official SGA positions, and to carry out all other duties as outlined in the Constitution and Bb~~y~~laws.

Cabinet: To implement all passed SGA legislation; ensure the continuation of existing SGA services and initiatives, pursue changes to the College and host events for the benefit of students, to carry out the agenda of the SGA President as well as other duties as outlined in the Constitution and Bylaws.

B. The Student Senate:

1. **Commons Senators:** Each Commons will elect one Senator. The Commons Senators are responsible for reporting to their Commons Council on a weekly basis. They also report relevant Commons' activity to the SGA as well as their weekly activity with relation to their job as a student Senator.
2. **Class Senators:** All Class Senators are expected to report the current concerns of their constituents to the SGA at each regular

meeting. Additionally, each will report about their weekly activities with relation to their job as a student Senator.

a. First Years: Two full-year Senators.

b. Sophomores: Two full-year Senators.

c. Juniors: Two Senators, whose eligibility is specified in the bylaws.

d. Seniors: Two full-year Senators.

e. February Students: Two full-year Senators.

~~3. **House Senator:** The Inter-House Council (IHC) shall be represented by one, non-voting delegate entitled to full floor privileges. The IHC Delegate is responsible for reporting to the Inter-House Council on a weekly basis. They also report relevant Social House activity to the SGA.~~

~~4.~~3. **The Student Co-Chair of Community Council**

~~5.~~4. **The President of the SGA: Single full-year position**

C. The Presidential Cabinet:

The Student Senate shall determine the duties and composition ~~structure~~ of the Presidential Cabinet in the Bylaws. ~~Changes to the Presidential Cabinet require the majority consent of the Student Senate.~~ All Cabinet positions must be advertised to the entire student body before appointments can be made. The President of the SGA shall appoint the members of the Presidential Cabinet with simple majority approval ~~the consent~~ of the Student Senate. ~~The bylaws of the SGA shall explain the duties and composition of the Presidential Cabinet.~~

D. ~~Selection of~~ Student Members of Community Council

Interviews are required for all students submitting a valid application for the Community Council, to be conducted jointly by the SGA Director of Membership and the Student Chair of Community Council. ~~Interviews will be held at the beginning of the Fall term. The Student Co-Chair of Community Council has final determinative power over appointments to Community Council in all instances~~. Once chosen by the Student Co-Chair of Community Council, the chosen students must be ratified by a simple majority in the SGA Senate. Student applicants for Community Council must ~~apply annually, and~~apply and ~~must~~ go through the appointment and ratification process annually.

E. Qualifications of Members of the Student Senate, ~~and~~ Presidential Cabinet, and Student Members of Community Council:

1. All positions are open to any matriculated student of the College.

2. Class Senators must be a member of the class they represent. ~~-~~Class Senators must be on campus for the duration of their office, with the exception of winter term~~. and Junior Senators~~.~~

3. Commons Senators must be a member of the Commons they represent for the duration of their office. Commons Senators must be on campus for the duration of their term, with the exception of winter term.

4. The Student Co-Chair of Community Council must be on campus for the duration of their term.

5. The President of the SGA must be on campus for the duration of their term.

6. Cabinet members must be on campus for the duration of their term, with the exception of winter term.

~~3.~~7. Student Members of Community Council must be on campus for the duration of their term, with the exception of winter term.

F. Vacancies

1. In the event that the President cannot fulfill the position of SGA ~~p~~President, the Student Co-Chair of Community Council will assume the dual role of SGA ~~P~~president and Student Co-Chair ~~of Community Council only~~ until a special election is administered to elect a permanent President.

2. In the event that the Student Co-Chair cannot fulfill the position of Student Co-Chair of Community Council, ~~then~~ the SGA President will assume all responsibilities of the Student Co-Chair ~~of Community Council~~ during the interim of his/her absence or only until a special election is administered to elect a permanent Student Co-Chair of Community Council.

3. In the event of a vacancy of any appointed office position in the Presidential Cabinet in the SGA, the ~~P~~president shall appoint a new officer, subject to proper ratification.

4. In the event of a vacancy on the Student Senate, the President shall appoint a new student with the appropriate qualifications to be a member until the Elections Council ~~shall~~ can hold an election to fill the vacancy.

III. COMMITTEES

A. Standing Committees

A standing committee is a committee that is stipulated by the SGA Constitution or ~~B~~bylaws. The Presidential Cabinet shall ~~make all appointments~~ accept all members to standing committees, subject to proper ratification through a simple majority vote by the SGA Senate unless otherwise stipulated. Standing committees must present ~~make a report~~ to the Student Senate at least once per semester, except for winter term~~.~~ The Presidential Cabinet shall advertise all committee positions to all students before ~~appointments~~ members are selected~~are made~~.

B. Ad Hoc Committees

-The Student Senate can create an ad hoc committee with a majority vote. These committees shall exist for a maximum duration of one year. Ad hoc committees may exist for a second year subject to majority approval of the Student Senate. After a period of two years, the Student Senate must decide to transform the committee with a majority vote into a standing committee or the committee ~~must~~ will be dissolved.

C. Rules Concerning Committee Members:

1. Any member of the student body may serve on a committee.
2. A student may not serve on more than three SGA committees. The Presidential Cabinet is not an SGA committee.
3. ~~Before any committee shall commence its work, the committee's members shall be subject to proper ratification, unless the committee must begin work before the first Student Senate meeting.~~Except for the Elections -Council, all c~~C~~ommittee members must be ratified by a simple majority vote on a yearly basis in the Senate before they begin work ~~on a yearly basis. The Elections Council is not subject to ratification.~~
4. The Presidential Cabinet shall make committee openings public.

~~IV. RATIFICATION~~

~~The Senate shall ratify all members of the Presidential Cabinet and SGA Committees by majority vote of Senators present, unless otherwise stipulated. The Presidential Cabinet may begin its work pending ratification.~~

IV. MEETINGS

A. Rules

Meetings shall follow the protocol given in Robert's Rules of Order, unless otherwise stated in the Constitution. The Senate may adopt its own rules of procedure by a two-thirds vote, provided they do not conflict with the Constitution.

B. First Meeting

During the first Senate meeting of the year, the meeting must open with the following events ~~occur~~in this order:

1. The President welcomes the newly elected senators.
2. ~~The Speaker of the Senate is elected. From this point, the Speaker chairs the meeting.~~
3. The Impeachment Committee is formed.
4. The Appeals Committee is formed.

4. The Speaker of the Senate is elected. From this point, the Speaker chairs the meeting.

5.

6.5. Normal business follows these appointments.

C. Speaker of the Senate

The Student Senate shall select the Speaker of the Senate by majority vote during the first meeting of the year.

1. The Speaker of the Senate chairs and is a member of the Senate and as well as is allowed to vote.
2. The Student Senate can remove the Speaker of the Senate by a two-thirds vote.
3. The Speaker of the Senate is not a member of the Presidential Cabinet.
4. If they desire, theThe President shall be the first person called to have the floorby the speaker of the senate when debate begins.
5. The Speaker shall resolve all questions of procedure during Senate meetings.

D. Agenda

The President shall set the agenda for each Student Senate meeting, yet cannot block legislative items from the agenda.

1. The agenda of each meeting will be sent from the Speaker via e-mail to the members of the Student Senate, as well as *The Campus*, by 5:00 p.m. on Thursday or as soon as possible, but no later than 48 hours before the upcoming Senate meeting.

2. All bills that wish to be on the agenda will be e-mailed to members of the Student Senate bythe President and Speaker by 5:00 p.mnoon. on Thursday. Bills not e-mailed by this time are not discussed unless the Ppresident makes an exception. Sponsors of bills are responsible to forward a copy of the bill to the recording secretary to meet this deadline.

2.3. Once finalized, the agenda and all corresponding materials including bills under consideration will be posted on the front page of the SGA website at least 24 hours before the upcoming Senate meeting.

3.4. The order of business shall include the followingbe as follows:

   a. Attendance
   b. Acceptance of minutes
   c. Announcements
   d. Committee reportsSenate Check-Ins

~~e.~~d. Old business

~~f.~~e. New business

E. Attendance

All members of the Student Senate must attend all Student Senate meetings. Members of the Presidential Cabinet will attend Student Senate meetings at the discretion of the President. ~~A member of the Student Senate missing more than two Senate meetings without proper excuse shall be removed from office.~~

~~1. A member of the Senate missing more than five Senate meetings shall be removed from office.~~

~~2.~~1. If a Senator cannot attend a meeting, a proxy from the same constituency shall temporarily occupy the seat. This proxy shall have full voting rights and floor privileges. No member of the Presidential Cabinet may serve as a proxy. One person cannot serve as both a ~~student~~ Ssenator and a proxy.

~~3.~~2. A member of the Senate missing more than two meetings during the duration of their time in office without sending a proxy shall be removed from office. A member of Senate missing more than five meetings total during the duration of their time in office shall also be removed. Following either of these occurrences, the vacancy procedures outlined in Section II F will be followed.

~~4.~~3. Members arriving 15 minutes after the meeting begins shall be considered absent.

~~5.~~4. Absent members shall be so noted in the minutes.~~.~~

~~6.~~5. Without notifying the ~~the notification of the Director of Membership,~~ Speaker of the Senate or President, no Student Senate or Presidential Cabinet member may leave a meeting before the motion to adjourn. If a meeting runs over two hours, this clause no longer applies.

F. Quorum

Quorum shall consist of half of the voting members of the Student Senate.

G. Frequency

Meetings of the Student Senate shall be held weekly and shall begin at 7:00p.m. on Sunday nights, subject to presidential discretion. Meetings shall continue until the assembly votes to adjourn. ~~The Speaker of the Senate or their designee shall chair all Student Senate meetings~~. Following College Policy, the Senate shall not meet on days that are also major religious holidays as defined by the College; and it is up to the discretion of the President of the SGA to find another time to meet or cancel the meeting for the week.

H. Emergency Meetings:

The President, Elections Council, or any five members of the Student Senate shall have the power to call an emergency meeting of the Senate. Calling an emergency

meeting entails notifying all members of Senate by email at least 24 hours before the intended meeting time. The notification must include an agenda set by the President, as well as the time, date, and place of the meeting.

VI. LEGISLATION

A. Any student may author legislation.

B. Only a member of the Student Senate may sponsor legislation.

C. Unless otherwise stipulated in the Constitution or Bylaws, a simple majority vote of Senators present assuming quorum is reached is required to pass all proposals.

VII. ELECTIONS

A. Elections Council

The Elections Council shall be responsible for running all SGA elections and referenda in accordance with the SGA bylaws. The Elections Council does not require ratification.

1. The Elections Council shall consist of a chair, and from two to four other students appointed by the Director of Membership. The Director of Membership shall serve as chair unless he is a candidate for office, in which case the President shall appoint another member of the Cabinet to serve as temporary chair.

2. The Elections Council does not require ratification.

B. Elections Rules

Candidates for President, Student Co-Chair of Community Council, and Senator must meet all requirements and follow all campaign rules as defined in the Bylaws and Elections Policies.

C. Violations of Procedures:

If any candidate violates any election procedures, the Elections Council shall have the power to call a special meeting of the Student Senate. During this meeting, the Elections Council will make a recommendation to the Student Senate regarding the eligibility of the involved candidate. The Student Senate, by a two-thirds vote, may then nullify said candidacy.

VIII. APPEALS

A. The Appeals Committee shall hear complaints and review decisions made by the SGA Finance Committee and Constitution Committee based upon criteria established in the Constitution and bylaws.

1. The Appeals Committee shall consist of the SGA President and four Student Senators. The four Student Senators shall be chosen at the first Senate meeting of the year by a majority vote of the Senate. The Committee shall select one of the Student Senators to be chair.
2. Two of the Student Senators, excluding the Committee Chair, shall be selected by the Committee to be appeals reviewers.
3. The Appeals Committee does not require ratification.

B. Student organizations have the right to file an appeal with the Appeals Committee once communication between said organizations and the Finance or Constitution Committee have been exhausted. The bylaws of the SGA shall detail the grounds by which an organization may make an appeal.

C. Student organizations have the right to a fair and impartial hearing before the Appeals Committee. The bylaws of the SGA shall detail the appeals process.
   a. In the event that a member of the Appeals Committee is involved in any way with the case, they shall abstain from participation.
   b. If fewer than four members of the Committee are eligible to participate, an additional Student Senate member shall be sought to fill the void.

D. The Student Senate may amend the Finance and Constitution Appeals Guidelines, as stated in the SGA ~~b~~Bylaws, by a two-thirds vote of the Student Senate. Changes shall go into effect at the beginning of the next semester.

E. A Senator who sits on the Finance Committee or Constitution Committee cannot sit on the Appeals Committee concurrently.

VII~~IX~~. IMPEACHMENT

A. Any member of the Presidential Cabinet or Senate ~~shall~~ may be impeached if found in violation of the SGA Constitution or bylaws. Proceedings shall be commenced by:
   1. A written petition signed by one-quarter of a member's constituency to the Impeachment Committee.
   2. A written statement by a member of the Student Senate or Presidential Cabinet that is submitted to the Chair of Impeachment Committee.

B. The Impeachment Committee shall examine any petition or statement given to it and recommend to the Student Senate whether or not the member should be removed from office.
   1. The Impeachment Committee shall consist of three Senators chosen by majority vote of the Student Senate. The Speaker of the Senate, President of the SGA and Student Co-Chair of the Community Council may not serve on the Impeachment Committee. The Committee shall self-select a chair. The Impeachment Committee does not require ratification.

2. The Impeachment Committee procedures shall be outlined by the SGA bylaws. The Student Senate may change Impeachment Committee procedures by a two-thirds vote.
3. The accused shall receive a fair and impartial hearing before the Impeachment Committee. If a member of the Committee has brought the charges, said member must recuse himself or herself. In such a case, the Chair of the Impeachment Committee shall select another member of the Student Senate to replace said member.

C. The ~~full Student~~ Senate shall hold an Impeachment hearing if recommended by the Impeachment Committee.
    1. The Speaker of the Senate shall chair impeachment proceedings. If the Speaker brought charges or is subject to charges, then the Senate shall choose a temporary Speaker by majority vote. Members of the Impeachment Committee may not serve as the temporary chair.
    2. Removal from office requires a two-thirds vote of the Student Senate.
    3. Impeachment hearing procedures shall be outlined in the SGA bylaws. The Student Senate may change impeachment guidelines by a two-thirds vote.

IX~~H~~. AMENDMENTS

A. Constitution~~.~~

Amendments to the Constitution of the SGA require the consent of the Student Senate and student body.

1. Amendments must first be brought before and consented to by the Student Senate.
    a. Amendments are brought to the floor of the Senate in the same fashion as bills, with the exception that they are made available one week before they are voted upon.
    b. Amendments must be approved by two-thirds of the Student Senate before a student body referendum is held.
2. Upon approval by the Student Senate, a student body referendum is held.
    a. The Elections Council shall be responsible for conducting the referendum.
    b. The referendum must be held within one month of Student Senate approval.
    c. The student body must approve the amendment by majority vote of those participating in the referendum.
3. If approved by the student body, the amendment takes effect at the beginning of the next semester.

B. Bylaws~~:~~

Amendments to the bylaws of the SGA require the majority consent of the Student Senate unless otherwise stipulated in the Constitution

1. Bylaws amendments are brought to the floor of the Senate in the same fashion as bills, with the exception that they are made available one week before they are voted on.
2. If approved by the Student Senate, the amendment takes effect immediately.

X~~I~~. INTERPRETATION

A. The SGA President shall resolve all questions of constitutional interpretation and interpretation of the bylaws, except relating to procedures for Senate meetings.
B. The Senate may override the President's interpretation by a majority vote.

Respectfully submitted,

Karina Toy, SGA President

Vote Count

In favor:	President Toy, Senator Pustejovsky, Senator Wilson, Senator Waddell (proxy), Senator Aaron, Senator Goldfield, Senator Hayes, Senator McCormick, Senator Andrews,
Opposed:	None
Abstained:	None
Absent:	Senator Lantigua, Senator Cohen, Senator Duran, Senator Fleischer, Senator Ou, Senator Wright, Senator McCarthy, Co-Chair Sanderson

S2017-SB11 passes 9-0-0

Constitutional Amendment		
Candidate	Votes Cast	Vote Share
Approve	1010	97.49%
Do not approve	26	2.51%
Total	1036	100.00%
Voter Turnout (out of 2513)	Voter Turnout:	41.23%